

# Notice of Allowability

Application No.

10/650,004

Examiner

MEAGAN THOMASSON

Applicant(s)

GAZDIC ET AL.

Art Unit

3714

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination filed 12/4/07.
2. ☒ The allowed claim(s) is/are 23-25, 51-67 and 69-79.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 1/31/08.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2007 has been entered.

## EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

## In the CLAIMS

**Cancellation of claims:** cancel claim 68.

### **Claim 66:**

- Lines 11-12, replace "assign to each character at least one of a plurality of possible different behaviors depending upon the respective randomly selected outcome," with: -- assign to each character at least one of a plurality of possible

different behaviors depending upon the respective randomly selected outcome, wherein for each character the assignment of possible different behaviors is based on probabilities associated with a randomly selected outcome for that character such that the randomly selected outcome determines the assigned probabilities, the assignment of the at least one of the plurality of possible different behaviors to the character is based on the assigned probabilities,--.

**Claim 69:**

- Line 1, replace "The apparatus of claim 68" with -- The apparatus of claim 66 --

Authorization for this examiner's amendment was given in an in-person interview with Daniel Burnham and Jeremie Moll on January 31, 2008. Please see the attached interview summary form.

**Reasons for Allowance**

**Claims 23-25 and 51-79 are allowed.**

The following is an examiner's statement of reasons for allowance: Independent claims 23, 51, 58 and 66 have been amended to include limitations that overcome the prior art of record. Newly added independent claim 77 contains limitations that would not have been obvious to one of ordinary skill in the art in view of the prior art of record.

Specifically, independent claim 23 includes limitations drawn to a plurality of movable objects and a plurality of possible destinations wherein a movement pattern is

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selected based on an assigned probability and displayed. The claim has been amended to include the limitations of "randomly selecting a destination from the plurality of destinations and, after the destination has been selected, selecting one of the possible movement patterns" and "displaying the plurality of objects simultaneously moving to the plurality of possible destinations", which overcomes the previous interpretation of a pachinko-type gaming machine, as disclosed by Baerlocher et al. (US 6,666,766 B2). Claims 24 and 25 depend from claim 23 and are therefore also allowable.

Independent claim 51 had previously been rejected in view of Baerlocher et al., however the amendments made to claim 51 to include limitations of "the plurality of different behaviors providing a simulated intelligence to the movable characters" overcome this rejection. Further, claim 51 is distinguishable from Anderson et al. (US 6,428,412) as it contains limitations drawn to "displaying a plurality of possible outcomes associated with respective payouts; randomly selecting one or more of the possible outcomes" and "awarding the payouts associated with the respective randomly selected outcomes to which the characters move". The association of an outcome to a payout and a location to which characters move is not obvious in view of Anderson, as the "outcomes" of Anderson are interpreted to mean the standing or seated positions of the characters displayed on the screen. These "outcomes" of Anderson are not displayed prior to the behaviors being exhibited by the characters, nor are they associated with a payout. Claims 52-57 depend from claim 51 and are therefore also allowable.

Independent claims 58 and 66 are allowable over the prior art of record as they have been amended to include limitations drawn to assigning probabilities to the possible behaviors that are assigned to the characters. It would not have been obvious to one of ordinary skill in the art at the time of the invention to assign probabilities to the behaviors displayed by the tiles of Anderson as there is no motivation to do so.

Therefore, claims 58 and 66 are allowable over the prior art of record. Claims 59-65,67,69-76 depend from either claim 58 or claim 66 and are therefore also allowable.

Independent claim 77 recites limitations similar to those of 58 and 66, wherein probabilities are assigned to possible movement patterns displayed by a character that allow the character to exhibit a simulated intelligence, and is thus also allowable over the prior art. Claims 78 and 79 depend from claim 77 and are therefore also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEAGAN THOMASSON whose telephone number is (571)272-2080. The examiner can normally be reached on M-F 830-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson  
January 31, 2008



**JOHN M. HOTELLING, II**  
**PRIMARY EXAMINER**